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**Standing Committee on
Justice Policy**

Committee business

1st Session
42nd Parliament
Thursday 12 March 2020

**Comité permanent
de la justice**

Travaux du comité

1^{re} session
42^e législature
Jeudi 12 mars 2020

Chair: Roman Baber
Clerk: Christopher Tyrell

Président : Roman Baber
Greffier : Christopher Tyrell

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Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
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Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
JUSTICE POLICYCOMITÉ PERMANENT
DE LA JUSTICE

Thursday 12 March 2020

Jeudi 12 mars 2020

The committee met at 0901 in room 151.

COMMITTEE BUSINESS

The Chair (Mr. Roman Baber): Good morning, members. The Standing Committee on Justice Policy is now in session. We're here this morning to consider scheduling matters for Bill 161, An Act to enact the Legal Aid Services Act, 2019 and to make various amendments to other Acts dealing with the courts and other justice matters. Thank you for coming.

I understand there's a government motion pending? Mr. Gill.

Mr. Parm Gill: I move:

(1) That the Standing Committee on Justice Policy be authorized to hold public hearings on Bill 161, Smarter and Stronger Justice Act, 2020, in Toronto on March 23, 2020, from 1 p.m. to 5 p.m.; on March 24, 2020, from 3 p.m. to 6 p.m.; and on March 26, 2020, from 9 a.m. to 10 a.m. and 2 p.m. to 4 p.m.

(2) That the Clerk of the Committee, with the authorization of the Chair, post information regarding the public hearings on the Ontario parliamentary channel, on the Legislative Assembly's website and with Cision.

(3) That the deadline for requests to appear be set at 5 p.m. on Tuesday, March 17, 2020.

(4) That following the deadline for requests to appear, the Clerk of the Committee provide the subcommittee members and their designates with a list of all potential witnesses who have requested to appear before the committee by 6 p.m. on Tuesday, March 17, 2020.

(5) That, if all requests to appear cannot be accommodated, each of the subcommittee members or their designate supply the Clerk of the Committee with a prioritized list of witnesses chosen from the Clerk's list by 5 p.m. on Wednesday, March 18, 2020.

(6) That the deadline for written submissions be 4 p.m. on Thursday, March 26, 2020.

(7) That each witness receive up to 10 minutes for their presentation, followed by 20 minutes for questioning, with the time divided equally between the two recognized parties.

(8) That the research officer provide the committee with a summary of testimony received by the committee on Bill 161 by 12 noon on Friday, March 27, 2020.

(9) That the deadline for filing amendments to Bill 161 with the Clerk of the Committee be 5 p.m. on Friday, March 27, 2020.

(10) That clause-by-clause consideration of Bill 161 be held on Thursday, April 2, 2020, from 9 a.m. to 10:15 a.m. and 2 p.m. to 6 p.m., and on Friday, April 3, 2020 from 9 a.m. to 12 noon and 12:45 p.m. to 5 p.m.

The Chair (Mr. Roman Baber): Any debate on the motion? Mr. Singh.

Mr. Gurratan Singh: It's very clear that the schedules set for committee meetings like this are initially set at the beginning of the session. They're set in a manner so the public can access this Legislative Assembly and can give their input. Going against this schedule is going to negatively impact people's ability to contribute to this committee. Further, truncating and putting all three days within one week is clearly going to have the effect of rushing forward this legislation. Doing so will have an impact of, once again, limiting people's access to this committee.

In addition, today is the 12th. Tomorrow is Friday. The deadline for requests to appear is 5 p.m., Tuesday, March 17. Given that notice for this will most likely come out by tomorrow, you've barely given people three days to request to appear in this committee.

All these signs clearly demonstrate an attempt to rush this forward, which is going to have a negative impact upon the transparency of this House, and upon people who have very thoughtful and important things to contribute to this bill before our committee.

So it is my respectful submission that we do not go ahead with this motion, and instead push forward even a week or two to allow for greater notice to the public, to allow for greater transparency of this House and, ultimately, to allow for greater access to justice, so people can have their thoughts heard.

Haste makes waste, and this could be a potential example of that. As the saying goes, an ounce of prevention is worth a pound of cure. Please be preventive. Allow for the legal community to contribute to this committee to ensure that what we put forward is thoughtful and well-written legislation, so that we can live up to our positions and jobs as lawmakers.

The Chair (Mr. Roman Baber): Mr. Gill.

Mr. Parm Gill: The only thing I would say to my honourable colleague on the other side is that this is no news to anybody. This piece of legislation was introduced some time ago. All of the stakeholders, for the most part, I would assume, understand and have been pretty much up to date on this. It has been known for some time, obviously, that this will be coming to committee.

At the same time, the government has a responsibility to move forward with some of these important items that Ontarians expect us to deliver results on. These are important changes. I would encourage colleagues on the other side to—let's move forward. Let's get some of these items back to the Legislature so we can start the discussion on third reading after our work here at committee, when the bill gets reported back to the House, so we can implement some of these important changes quickly and see results for Ontarians in a manner that they expect.

The Chair (Mr. Roman Baber): Further debate? Ms. Morrison.

Ms. Suze Morrison: I'd like to build on some of the comments made by my colleague Mr. Singh.

As this motion sets out the dates for the hearings, we have all of 10 hours of hearings scheduled for a bill with 20 schedules. That's only half an hour of hearings per schedule, if we were to equally allot that. This is an omnibus bill that makes sweeping changes to our justice system, and I don't think it reflects on the due diligence and the thoughtful creation of legislation in this House to only allow 10 hours of committee hearings on a bill that has such significant changes. This is building on the continued practice of this government to cut the public out of this House. You've time-allocated almost every single bill you've brought forward over the past two years. I know in recent months that you've started cutting back on the number of time allocations. Regardless, if bills even make it into this committee room—here we are again, moving forward with a proposed motion to limit the public's ability to give their input on this bill and to advise us of the things that are missteps, pitfalls, unintended consequences.

As politicians, we're only human. We may put legislation on the table that we think is a good idea, but if we don't listen to the stakeholders who are the subject matter experts in the legislation that we are crafting, we will make mistakes. You will make mistakes, and you will wear these mistakes as the government members of this House. If the public does not have an opportunity to come in to this place and advise us of the unintended consequences—and unintended consequences can be positive or negative. Maybe there's an unintended consequence that's a good thing, that we want to expand upon and amplify so that it can be more easily replicated in other parts of the province.

0910

We're not going to be able to have any northern representation in this process. What organizations or stakeholders from the north are going to be able, in one business day, to determine whether they're even able to come and give presentations at the committee, to book travel? I'm thinking of my colleague from the riding of Kiiwetinoong, who takes three flights to get here. What about stakeholders from his riding? In the midst of a public health crisis, and the challenges with booking flights and travel right now, how is that fair to those northern stakeholders, who deserve to have an equal ability to come into this House and to advise us on the bills that we're making?

It's not just the northern members. There was a time in this building—and I wasn't here for it; I can't say that I

lived through it—when we travelled bills of significance. We went to the communities, so that we made sure that folks from Windsor, folks from London, folks from Thunder Bay, folks from the Far North, folks from Ottawa and folks from Kingston were able to give input on these bills.

What is wrong with allowing the public to have their say, to come forward in this committee and sit in these chairs and tell us what is good and what is bad, and what we've missed? What is wrong with that? Why, on every single bill, are we condensing the public debate on this? To what end? It only puts bad legislation on the books, and you are going to wear it.

Interjection.

The Chair (Mr. Roman Baber): I recognize that Mr. Singh asked for permission to speak, but I want to enable the government to respond first, should they wish. Mr. Gill.

Mr. Parm Gill: With all due respect, I think we recognize that the opposition has a job to do, and it's obviously their position to pretty much oppose everything that the government brings forward.

I would point out, Mr. Chair, that the committee is just one of the many avenues that are used to consult with the public on pieces of legislation like this and other items. I can assure you that members on the government side, and in cabinet, take every single opportunity to consult with Ontarians on every single item that matters to them. We have been doing that on this side of the House.

If the opposition uses the committee as one of the only avenues to bring forward witnesses and consult on these important pieces of legislation, I would encourage them to use other avenues as well—maybe their constituency offices, community events and other means of getting input from the public. We do that every single day, so I would encourage the opposition to use some of those avenues as well.

The Chair (Mr. Roman Baber): Further debate? Mr. Singh.

Mr. Gurratan Singh: The legal community and stakeholders are aware of this bill. My point of contention is that they may not have enough notice to learn about the committee and then provide a request to appear at committee.

My concern is very clearly that, today being the 12th and the deadline being the 17th, to make requests to appear before the committee—to me, this is a deadline, a period, which is far too short. The crux of my opposition to the motion being put forward is that it's clearly a sign that we are meeting today on the 12th, and notice will go out probably, at best, tomorrow, and then you're barely giving three days to allow stakeholders to have the knowledge that these committees are having hearings. That is what I feel is going to prevent people's ability to contribute to this committee.

Having the stakeholders appear before this committee is crucial, because comments that are made at constituency offices etc. are not comments that are put on the record. The record will provide the foundation for ensuring that

criticisms, or positive remarks, with respect to this bill are documented accurately.

For the benefit of due process of creating legislation, I think it is very important that we extend that period. My request, respectfully, is not a large amount of time. I'm saying, let's push this two weeks. With that, we can then provide a week's notice, and then have our committee hearings accordingly, with us having the knowledge that we have done our job to ensure that everyone knows about this committee hearing.

The Chair (Mr. Roman Baber): Any response by the government?

Mr. Yarde.

Mr. Kevin Yarde: I want to second what my colleagues have said. If the government is truly in favour and believes that their bill is so strong, they would welcome an additional week in terms of having hearings here. If you're all in favour of your bill, then I see no reason why we need to rush this. I've been in several committees the last couple of years and I didn't realize that that was the norm, but apparently, it is the norm with this government, to rush through every bit of legislation.

Obviously, you have the numbers on that side—it doesn't matter what we say; you're going to win—but don't think about what we're saying, think about what people out there are thinking. What they need is to have access to this bill. They're going to come here and have their voices heard. You shouldn't be shutting them out. You can shut us out all you want, but you shouldn't be shutting them out, because they need to be heard.

I think, as my colleagues were saying, the short period of time that you're allotting is not fair and it's not warranted. I think you should reconsider everything we've been saying here this morning.

The Chair (Mr. Roman Baber): Any speakers on the government side? Seeing none, back to Ms. Morrison.

Ms. Suze Morrison: Yes, thank you. There is one other piece I would like to add, and it's in response to my colleague across in his comments around how the ministry is engaging in a significant amount of consultation in the development of these bills. I certainly don't challenge that. I'm sure that our folks in the public service and in the ministries are engaging in that work. But I would suggest that there is a difference between the type of consultation that can happen in this place and the type of consultation that

can happen inside of the ministries, and that difference has to do with being an open and transparent government.

When you consult inside of the four walls of your ministries, that information is not easily available to the public. We've seen this with the education consultations, and the extensive work that we had to go through in terms of freedom-of-information processes to get that information and make it publicly available. There is a difference when we are able to bring stakeholders into this room and do that consultation in an open way, in a transparent way, on the record, open to members of the public in a way that is broadcast and easily accessed. There is a difference between consulting within your four walls and consulting in an open and transparent way.

I would suggest to the government members, if you truly stand by your bills, you shouldn't be so afraid of what the public will say about them. You shouldn't be afraid of what stakeholders are going to sit in these chairs and say to you. If you stand by your legislation truly and think it is infallible, it shouldn't matter how many rocks we throw at your bills, because they should stand the test of what anyone has to say when they come into this room.

Do your consultation in an open way and in a transparent way and allow the public to engage in the process. This is not a good way to allow the public to engage in the process.

The Chair (Mr. Roman Baber): Further debate?

Mr. Gurratan Singh: Recorded vote.

The Chair (Mr. Roman Baber): I understand there is a request by the opposition for a recorded vote. Are members ready to vote on the motion?

Ayes

Bouma, Coe, Gill, McDonell, Triantafilopoulos.

Nays

Morrison, Gurratan Singh, Yarde.

The Chair (Mr. Roman Baber): I declare the motion carried.

Seeing no further business, I declare the meeting adjourned.

The committee adjourned at 0919.

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